

Kavalila Simeon Kapotak Jr
Name
486890
Prison Number
Wildwood Correctional Complex
Place of confinement
10 Chugach Ave.
Mailing address
Kenai, Ak-99611-
City, State, Zip
N/A
Telephone

RECEIVED

OCT 04 2012

**CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Kavalila Simeon Kapotak Jr,
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Case No. 3:12-cv-00204-NKH
(To be supplied by Court)

Susan Mitchell, Patricia Douglas,
Jason Fieser, Tonya Oconner, Fred Torrissi,
Krista Maciolek, Greg Stocker,
(Enter full names of defendant(s) in this action.
Do NOT use *et al.*)

Defendant(s).

**PRISONER'S
COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983**

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. **Plaintiff:** This complaint alleges that the civil rights of Kavalila Simeon Kapotak Jr,
(print your name)
who presently resides at Wildwood Correctional Complex, were
(mailing address or place of confinement)
violated by the actions of the below named individual(s).

2. **Defendants** (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Susan Mitchell, is a citizen of
(name)
Alaska, and is employed as a Assistant District Attorney.
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Patricia Douglas, is a citizen of
(name)
Alaska, and is employed as Public Defender-she is now a Judge
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Jason Fieser, is a citizen of
(name)
Alaska, and is employed as a Alaska State Trooper.
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Tonya Occonner, is a citizen of
Alaska, and is employed as a Clerk of Court.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Fred Torrisi, is a citizen of
Alaska, and is employed as a Judge (retired).
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Krista Maciolek, is a citizen of
Alaska, and is employed as a Office of Public Advocacy Attorney.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Greg Stocker, is a citizen of
Alaska, and is employed as a Probation Officer.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, _____, is a citizen of
_____, and is employed as _____.
(state) (name) (defendant's government position/title)

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, _____, is a citizen of
_____, and is employed as _____.
(state) (name) (defendant's government position/title)

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about June 19, 2012, my civil right to due process
(Date) (Medical care, access to the courts, due process,

freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts: (Briefly describe **facts** you consider important to Claim 1. State what happened briefly and clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 1.)

Susan Mitchell, allowed Alaska State Trooper, Jason fieser, to give false
testimony, admitted false evidence, gave witness an ultimatum and had him give
false testimony, and allowed a prosecution witness to be listed as a defense
witness.

Patricia Douglas, did not allow me to participate at any pretrial hearings,
spoke on my behalf without my consent, failed to subpoena witnesses I requested,
withheld discovery, failed to point out that the witness listed for my defense
was listed for the prosecution first, lied to the Judge, and failed to get me
the evidence I requested, such as text message records.

Jason Fieser, wrote out a false report, used his own opinion of how the
witnesses made their statements, lied about the statements I gave to him, made
inconsistent statements, tampered with the evidence before it was admitted,
and made an illegal search and seizure.

Tonya Occonner, did not send to me the court transcripts upon my request, failed
to have my phone records on subpoena.

Fred Torrisi, allowed pretrial hearings to continue without my consent, allowed
information to be admitted without verification, assisted in an illegal
procedure in adding false information in which he offered a correction saying,
"We could put, 'He denies it' ".

Krista Maciolek, failed to list in my appeal that I did not participate in any
pretrial conferences, assisted in adding false information to my record.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? ____ Yes ____ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ____ Dismissed ____ Appealed ____ Still pending

Issues Raised: _____

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: _____ Dismissed _____ Appealed _____ Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

_____ Yes _____ No If your answer is "Yes," describe each lawsuit.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): _____

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): _____

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): _____

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? _____ Yes _____ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority:

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ _____

2. Punitive damages in the amount of \$ _____

3. An order requiring defendant(s) to _____

4. A declaration that _____


5. Other: _____

Plaintiff demands a trial by jury. _____ Yes _____ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Wildwood Correction Complex on October 2, 2012
(Location) (Date)


(Plaintiff's Signature)

Original Signature of Attorney (if any)

(Date)

Attorney's Address and Telephone Number

Kavalila S. Kapotak Jr #486890
Wildwood Correctional Complex
10 Chogach Ave.
Kenai, AK-99611-



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OCT 3 2012

WCC-MAILROOM

THIS LETTER WAS WRITTEN
BY AN INMATE AT WILDWOOD
CORRECTIONAL CENTER.

United States District Court
For the District of Alaska
Clerk of Court
222 West 7th Avenue #4
Anchorage, AK-99513-756